

U.S. Department of Homeland Security
Freedom of Information Act Branch
601 South 12th Street
Arlington, VA 20598-6020



Transportation
Security
Administration

July 31, 2019

3600.1

Case Number: 2014-TSFO-00457

Michael Morisy
MuckRock News
DEPT MR 12563
411A Highland Avenue
Somerville, MA 02144-2516

Dear Mr. Morisy:

This is the final response to your Freedom of Information Act (FOIA) request dated July 13, 2014, addressed to the Transportation Security Administration (TSA) FOIA Branch seeking access to an Excel export of the TSA's CCMS database or complaints filed Jan. 1, 2014 to the date this request is processed. On February 14, 2018, we forwarded an interim response of 498 pages to you.

The processing of your request identified certain materials that will be released to you. Portions not released are being withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552. Please refer to the Applicable Exemptions list at the end of this letter that identifies the authority for withholding the exempt material, which is indicated by a mark appearing in the block next to the exemption. An additional enclosure with this letter explains these exemptions in more detail.

The rules and regulations of the Transportation Security Administration applicable to Freedom of Information Act requests are contained in the Code of Federal Regulations, Title 6, Part 5. They are published in the Federal Register and are available for inspection by the public.

Fees

There are no fees associated with processing this request because the fees incurred do not exceed the minimum threshold necessary for charge.

Administrative Appeal

Should you decide to file an appeal, it should be mailed to:

Christine Griggs
Acting FOIA Appeals Officer
Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE)
Transportation Security Administration
701 South 12th Street, West Building, TSA-33
Arlington, VA 20598-6033

Your appeal **must be submitted within 90 days** from the date of this determination. It should contain your FOIA request number and, to the extent possible, the reasons why you believe the initial determination should be reversed. In addition, the envelope should be prominently marked "FOIA Appeal." Please note that the TSA FOIA Appeals Officer's determination of the appeal will be administratively final.

Additionally, you have the right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5796.

If you have any questions pertaining to your request, please feel free to contact the FOIA Branch at 1-866-364-2872 or locally at 571-227-2300.

Sincerely,



Teri M. Miller
FOIA Officer

Summary:

Number of Pages Released in Part or in Full: 5,013

**APPLICABLE EXEMPTIONS
FREEDOM OF INFORMATION ACT AND/OR PRIVACY ACT**

Freedom of Information Act (5 U.S.C. 552)

(b)(1) (b)(2) (b)(3) (b)(4) (b)(5) (b)(6)

(b)(7)(A) (b)(7)(B) (b)(7)(C) (b)(7)(D) (b)(7)(E) (b)(7)(F)

Enclosures

FREEDOM OF INFORMATION ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

Transportation Security Administration (TSA) FOIA Branch applies FOIA exemptions to protect:

Exemptions

Exemption (b)(1): Records that contain information that is classified for national security purposes.

Exemption (b)(2): Records that are related solely to the internal personnel rules and practices of an agency.

Exemption (b)(3): Records specifically exempted from disclosure by Title 49 U.S.C. Section 114(r), which exempts from disclosure Sensitive Security Information (SSI) that “would be detrimental to the security of transportation” if disclosed.

Exemption (b)(4): Records that contain trade secrets and commercial or financial information obtained from a person that is privileged or confidential.

Exemption (b)(5): Inter- or intra-agency records that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege:

- Deliberative process privilege – Under the deliberative process privilege, disclosure of these records would injure the quality of future agency decisions by discouraging the open and frank policy discussions between subordinates and superiors.
- Attorney work-product privilege – Records prepared by or at the direction of a TSA attorney.
- Attorney-client privilege – Records of communications between an attorney and his/her client relating to a matter for which the client has sought legal advice, as well as facts divulged by client to attorney and any opinions given by attorney based on these.

Exemption (b)(6): Records that contain identifying information that applies to a particular individual when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” This requires the balancing of the public’s right to disclosure against the individual’s right to privacy.

Exemption (b)(7)(A): Records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information...could reasonably be expected to interfere with law enforcement proceedings.

Exemption (b)(7)(C): Records containing law enforcement information when disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy” based upon the traditional recognition of strong privacy interests ordinarily appropriated in law enforcement records.

Exemption (b)(7)(E): Records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

Exemption (b)(7)(F): Records containing law enforcement information about a person, in that disclosure of information about him or her could reasonably be expected to endanger his or her life or physical safety.

PRIVACY ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

Transportation Security Administration (TSA) FOIA Branch applies Privacy Act exemptions to protect:

Exemptions

Exemption (d)(5): Information compiled in reasonable anticipation of civil action or proceeding; self-executing exemption.

Exemption (j)(2): Principal function criminal law enforcement agency records compiled during course of criminal law enforcement proceeding.

Exemption (k)(1): classified information under an Executive Order in the interest of national defense or foreign policy.

Exemption (k)(2): Non-criminal law enforcement records; criminal law enforcement records compiled by non-principal function criminal law enforcement agency; coverage is less broad where individual has been denied a right, privilege, or benefit as result of information sought.

Exemption (k)(5): Investigatory material used only to determine suitability, eligibility, or qualifications for federal civilian employment or access to classified information when the material comes from confidential sources.

Exemption (k)(6): Testing or examination material used to determine appointment or promotion of federal employees when disclosure would compromise the objectivity or fairness of the process.